

House Watch

A summary of today's House actions;
published daily when the House is in session.



12/13/07

MESSAGES FROM THE SENATE

[HB 5354](#)

(McDowell)

House Bill 5354 (S-1) would amend the Public Health Code to permit the DCH to use funds in the Health Professions Regulatory Fund for health information technology in fiscal year 2006-07, subject to appropriation by the Legislature and approval by the Governor. The bill also would remove obsolete language in the Public Health Code abolishing the Official Prescription Form Program Fund, an action that has already been completed.

- The House concurred in the Senate substitute S-1 [RC 625: 103 yes, 0 no]

[HB 4711](#)

(Huizenga)

House Bill 4711 (S-1) would amend the Brownfield Redevelopment Financing Act to do all of the following:

- Extend for five years, to January 1, 2013, the date by which the Department of Environmental Quality (DEQ) or the Michigan Economic Growth Authority (MEGA) must approve a work plan, if a brownfield development authority will use taxes levied for school operating purposes.
- Revise the factors the DEQ must consider when reviewing a work plan.
- Allow the DEQ to deny a work plan if the property were not eligible property under the Act; if the work plan contemplated the use of taxes levied for school operating purposes for response activities that would benefit a party liable under Part 201 (Environmental Remediation) of the Natural Resources and Environmental Protection Act; or for an eligible activity conducted before approval of the brownfield plan.
- Require DEQ and MEGA annual reports to each member of the Legislature to include the amount of tax increment revenue approved in the preceding calendar year to conduct eligible activities under the Act, including taxes levied for school operating purposes, rather than the amount of revenue the State and local units would have received if taxes levied for school operating purposes had not been captured.
- Allow an applicant and the DEQ, by mutual written agreement, to extend the time period for

any review under the Act.

-- Delete references to a remedial action plan.

- The House concurred in the Senate substitute S-1 [RC 626: 105 yes, 0 no]

HB 4712

(Clemente)

House Bill 4712 (S-1) would amend the Brownfield Redevelopment Financing Act to:

-- Require the approval of a work plan by MEGA before January 1, 2013, instead of January 1, 2008, if a brownfield plan included the capture of taxes levied for school operating purposes; and require a development agreement or reimbursement agreement between the municipality or brownfield authority and an owner or developer of eligible property, if those captured taxes would be used for certain purposes.

-- Increase the amount of captured tax revenue that may be used to cover an authority's administrative and operating expenses, baseline environmental assessments (BEAs), due care activities, additional response activities, and the costs of preparing and reviewing a work plan, based on the number of an authority's active projects.

-- Allow an authority to use tax revenue attributable to local taxes, without regard to the Act's limitations on the use of captured tax revenue, for reasonable costs of site investigations, BEAs, and due care activities related to a person's work on eligible property before approval of a brownfield plan, if those costs and the property were included in a brownfield plan approved by the authority.

-- Specify that, if an authority reimbursed a person or entity for an eligible activity that included interest, the authority could capture local taxes and taxes levied for school operating purposes for eligible activities approved in a work plan and the interest on the eligible activities; but require DEQ or MEGA approval for the use of taxes levied for school operating purposes to pay interest in excess of 50% of the total projected eligible activity costs.

-- Specify that the duration of a brownfield plan could not exceed 35 years following the date of the resolution approving the plan amendment related to a particular eligible property.

-- Revise notice requirements regarding a public hearing for the approval of brownfield plan.

- The House concurred in the Senate substitute S-1 [RC 627: 106 yes, 0 no]

SB 410

(Brown)

The bill would amend the Emergency Telephone Service Enabling Act, 1986 PA 32, to alter the funding of 911 in the state.

- The House concurred in the Senate amendment [RC 628: 92 yes, 15 no]

HB 5105**(Tobocman)**

The bill (substitute H-2) would amend provisions in the City Income Tax Act that establish the maximum income tax rate that a city with a population of more than 750,000 (Detroit) may levy and collect on residents and non-resident individuals working in the city.

- The House concurred in the Senate substitute [RC 637: 65 yes, 42 no]

HB 5409**(Bieda)**

The bill, as introduced, would amend the Michigan Business Tax Act (MCL 208.1451), which takes effect January 1, 2008, to put in place a tax credit for compensation paid by a taxpayer for services performed for hybrid vehicle research and development. This credit is currently found in Section 34 the Single Business Tax Act, which is repealed as of December 31, 2007, and is to be replaced by the MBT. The bill essentially transfers the credit from the SBT to the MBT.

- The House concurred in the Senate substitute S-1 [RC 638: 107 yes, 0 no]

HB 5412**(Bieda)**

The bill would amend the Michigan Business Tax (MBT) Act to allow a credit against the MBT for private equity funds.

- The House concurred in the Senate substitute S-1 [RC 639: 106 yes, 1 no]

HB 4869**(Farrah)**

House Bill 4869 (S-1) would amend the Michigan Boxing Regulatory Act to do all of the following:

- Include the regulation of "mixed martial arts" contests and exhibitions under the Act, but exempt amateur mixed martial arts.
- Rename the Act as the "Michigan Unarmed Combat Regulatory Act" and similarly rename the Michigan Boxing Commission and the Michigan Boxing Fund.
- Expand the Commission to include four members licensed in mixed martial arts.
- Allow money in the Fund to be used to reimburse the Attorney General for services provided to the Department of Labor and Economic Growth (DLEG).
- Incorporate by reference New Jersey's requirements and standards for mixed martial arts, with certain exceptions.
- Authorize the DLEG Director to promulgate rules in addition to those incorporated by reference.
- Set a limit of \$10,000 per boxing or mixed martial arts contestant on the amount of a purse (financial remuneration to participants) that may be withheld pending drug tests.

- The House concurred in the Senate substitute [RC 640: 94 yes, 13 no]

HB 5138**(Melton)**

House Bill 5138 would amend the Michigan Education Savings Program Act to do the following:

-- Allow the program to consist of one or more savings plans providing different investment strategies and allowing account distributions. -- Authorize the State Treasurer to use the program revenue to maintain or enhance the State's qualified tuition programs. -- Include as a "qualified withdrawal" a withdrawal made because a beneficiary attended a service academy. The Michigan Education Savings Program allows individuals to open one or more education savings accounts to save money for the qualified higher education expenses of one or more designated beneficiaries. The contributions to and interest earned on an education savings account are exempt from taxation as provided under the Income Tax Act. Under the bill, the program could consist of one or more savings plans. "Savings plan" or "plans" would mean a plan that provides different investment strategies and allows account distributions for qualified higher education expenses.

- The House concurred in the Senate substitute [RC 641: 108 yes, 0 no]

HB 5139**(Clack)**

House Bill 5139 (S-2) would amend the Income Tax Act to do the following:

-- Specify that a deduction based on contributions to education savings accounts would be calculated on a per education savings account basis -- State that the amount calculated for each education savings account could not be less than zero.
-- Adjust the maximum deduction allowed for certain retirement or pension benefits payable for life to a senior citizen.
-- Adjust the maximum deduction that a senior citizen may take for interest, dividends, and capital gains received in a tax year.

- The House concurred in the Senate substitute [RC 642: 108 yes, 0 no]

SB 59**(Gilbert)**

Senate Bill 59 would amend 1951 PA 51 by adding a new Section 9c. The bill would create two new groups: a Transportation Alternative Funding Task Force, and a Citizen's Advisory Committee.

- The House concurred in the Senate amendments [RC 660: 103 yes, 3 no]

HB 4132**(Gaffney)**

The bill would add Part 54B (Lead-Bearing Substances) to the Public Health Code to:

-- Prohibit a person from using or applying a lead-bearing substance in or on any children's jewelry in Michigan.
-- Prohibit a person from selling, offering for sale, or transferring in Michigan any children's

jewelry that contained a lead-bearing substance.

-- Require the Department of Community Health to post on its website information about the hazards of lead-bearing substances, as well as educational programs regarding lead-bearing hazards offered by the Department.

"Lead-bearing substance" would mean an item or substance that contains lead, or a coating on an item that contains lead, so that the lead content is more than 0.06% of the total weight. The term would not include glass or crystal decorative components.

A person who violated Part 54B and who was not an individual consumer would be subject to the following civil fines: for a first offense, up to \$100 per item not to exceed \$5,000 total; for a second offense, up to \$500 per item not to exceed \$25,000 total; and for a third or subsequent offense, up to \$1,000 per item not to exceed \$50,000 total. For a knowing violation, the fine would be three times the prescribed amount. A fine would have to be waived if the person acted in good faith to comply, pursued compliance with due diligence, and promptly corrected any noncompliance.

- The House concurred in the Senate substitute [RC 662: 106 yes, 0 no]

HB 4399

(Wojno)

The bill would amend the Public Health Code to prohibit a person from selling or offering for sale or use in Michigan a lunch box that contained a lead-bearing substance. The prohibition would not apply to the sale of a collectible lunch box or any other lunch box no longer intended to be used to carry food or drink for human consumption.

- The House concurred in the Senate substitute [RC 663: 106 yes, 0 no]

HB 4936

(Coulouris)

The bill would amend the Lead Abatement Act (Part 54A of the Public Health Code) to reinstate the Childhood Lead Poisoning Prevention and Control Commission; and set a July 1, 2010, sunset date on the sections reinstating the Commission and prescribing its duties.

The sections of the Act that created the Commission within the Department of Community Health and prescribed its duties were repealed on July 1, 2007. The bill would require that the nine members on June 30, 2007, be reinstated to serve on the Commission. Seven additional members specified in the bill would have to be appointed by the Governor within 30 days of the bill's effective date, with the advice and consent of the Senate. The bill would reenact the provisions requiring the Commission to study the environmental threats of lead poisoning to children's health; review the State's lead poisoning prevention program; evaluate the program's effectiveness; recommend improvements to the program; and develop short- and long-range strategic recommendations for childhood lead poisoning prevention and control in Michigan. Additionally, the Commission would have to evaluate and report on whether there was a need to adjust the lead content level specified in the definitions of "lead-bearing substance" and "toxic substance" in Parts 54B (which House Bills 4132 and 4399 would add) and 54C (which Senate Bill 174 would add) in order to reduce the incidence of lead poisoning in children. The

Commission would have to its findings, including the recommendations, to the Governor and the Legislature by March 31 each year, beginning in 2008.

- The House concurred in the Senate substitute [RC 664: 105 yes, 1 no]

FINAL PASSAGE

HB 4847 (Hood)

House Bill 4847 would amend Section 819 (MCL 257.819) of the Michigan Vehicle Code (1949 PA 300 of) to redirect to the state General Fund a portion of drivers' license fee revenue currently dedicated to the Transportation Economic Development Fund (TEDF).

- Hune amendment withdrawn
- Caswell amendment withdrawn
- Moss amendment withdrawn
- Tobocman substitute H-6 adopted
- HB 4847 advanced to 3rd Reading
- Advancement to 3rd Reading reconsidered
- Tobocman amendment reconsidered and withdrawn
- HB 4847 advanced to 3rd Reading
- HB 4847 was passed [RC 629: 57 yes, 50 no]
- IE was ordered

SB 794 (Jelinek)

Senate Bill 794 as passed the Senate would amend Section 11 of 1987 PA 231 (MCL 247.911), an act which created and governs the Transportation Economic Development Fund (TEDF). The TEDF is a state-restricted transportation fund created to help fund highway, road, and street improvements related to either a specific type of economic activity or a specific type of road system. The bill would reduce the amount allocated to the Targeted Industries program category for the 2006-07 fiscal year by \$6.0 million.

- Caswell amendment withdrawn
- SB 794 advanced to 3rd Reading
- SB 794 was passed [RC: 630: 56 yes, 51 no]
- IE was ordered

SB 271**(Van Woerkom)**

The bill would amend the Child Care Licensing Act.

- Committee substitute H-2 was not adopted
- Clack substitute H-3 was adopted
- SB 271 advanced to 3rd Reading
- SB 271 was passed [RC 631: 108 yes, 0 no]
- IE was ordered

SB 925**(Jelinek)**

Senate Bill 925 would amend Section 395 of the Management and Budget Act to provide for a technical change in how Federal, State restricted, local or private funding is accounted for in the State's accounting system. The change would delete the word "received" and replace it with "earned". This change would allow for the budgetary accounting of these funds in a manner consistent with past practice in the State. Previously, these funds have been available to provide spending authorization when they were earned, but not yet received. This change is necessary because amendments to Section 395 of the Management and Budget Act, enacted as part of Public Act 2 of 2007, inadvertently changed the word "earned" to "received". This change was made as part of the amendments to the Management and Budget Act dealing with departmental overexpenditures that occurred at the close of fiscal year (FY) 2005-06.

- SB 925 advanced to 3rd Reading
- SB 925 was passed [RC 632: 108 yes, 0 no]
- IE was ordered

SB 368**(Stamas)**

The bill would amend Chapter 14 of the Revised Statutes of 1846, "Of county officers", to require a county to cover the county treasurer with a surety bond or blanket bond of at least \$1.0 million.

- SB 368 discharged from committee
- SB 368 advanced to 3rd Reading
- SB 368 was passed [RC 633: 108 yes, 0 no]
- IE was ordered

SB 678**(Stamas)**

The bill would amend Public Act 20 of 1943, which pertains to the investment of surplus funds of political subdivisions, to require the investment officer of a public corporation to make a quarterly, rather than annual, written report concerning the investment of surplus funds.

- SB 678 was discharged from committee
- SB 678 advanced to 3rd Reading
- SB 678 was passed [RC 634: 95 yes, 13 no]
- IE was ordered

SB 540**(Jelinek)**

The bill would amend the Michigan Penal Code to do the following:

-- Prohibit a person from entering or remaining without lawful authority on another person's farm property without the owner's consent.
-- Specify that a request to leave those premises would not be a necessary element of that violation. -- Remove the requirement that a person's entry onto another's property be willful in order to constitute a trespass. -- Increase the maximum fine for trespassing.

- SB 540 was discharged from committee
- SB 540 advanced to 3rd Reading
- SB 540 was passed [RC 635: 90 yes, 18 no]
- IE was ordered

SB 98**(Gilbert)**

The bill would amend Public Act 51 of 1951, the Michigan Transportation Fund law, to do the following:

-- Require the regional bridge councils to determine what bridge projects were selected for funding from the Local Bridge Fund and make a list available to interested parties.
-- Allow a county road commission, city, or village to implement a bridge project if it was selected for funding and was included in the regional bridge council's current multiyear bridge plan for the local bridge program, but the regional bridge council had not allocated funds to the project for the year it was on the plan.
-- Allow a road commission, city, or village to borrow funds to implement the project, and to use funding allocated for that project in a subsequent fiscal year to repay the amount approved when the funds were borrowed.

- SB98 advanced to 3rd Reading
- SB 98 was passed [RC 636: 99 yes, 9 no]
- IE was ordered

SB 944

(Pappageorge)

The bill (substitute S-1) would amend the Michigan Business Tax (MBT) Act to provide that for tax years beginning on or after January 1, 2008, and ending before January 1, 2016, a taxpayer that was engaged in research and development of a qualified technology could claim a credit against the MBT equal to 3.9% of the compensation for services performed in a qualified facility, paid to the employees at the qualified facility in the tax year, if the taxpayer had entered into an agreement before April 1, 2007, with the Michigan Economic Growth Authority.

- SB 944 was discharged from committee
- Bieda substitute H-1 was adopted
- SB 944 advanced to 3rd Reading
- SB 944 was passed [RC 643: 106 yes, 1 no]
- IE was ordered

SB 513

(Sanborn)

The bill (substitute S-3) would amend Part 115 (Solid Waste Management) of the Natural Resources and Environmental Protection Act (NREPA) to do the following:

- Establish regulations pertaining to the management of yard clippings.
- Prescribe criteria for a site to qualify as a composting facility, including a requirement that the site owner or operator register with the Department of Environmental Quality (DEQ) and pay a \$600 triennial registration fee.
- Allow the temporary accumulation of yard clippings at a site not designed for composting under certain circumstances.
- Allow the composting of yard clippings on a farm if done in accordance with generally accepted agricultural and management practices, under certain circumstances.
- Permit yard clippings composed of invasive species to be disposed of in a landfill or incinerator.

- Committee substitute H-4 was not adopted
- Miller substitute H-3 was adopted
- SB 513 advanced to 3rd Reading
- SB 513 was passed [RC 644: 98 yes, 10 no]
- IE was ordered

HB 5261

(Gillard)

The bill, as introduced, would amend Public Act 390 of 1978, which regulates wages and fringe benefits, to require an employer that provides leave with pay to an employee following the birth of a child to also provide the same leave with pay to an employee when a child is placed with the employee for adoption at birth.

- Committee substitute H-2 was adopted

- Sheen-2 was not adopted [RC 645: 48 yes, 60 no]
- HB 5261 advanced to 3rd Reading
- HB 5261 was passed [RC 646: 101 yes, 7 no]
- IE was ordered

HB 5539

(Bieda)

Each of the bills (HB 5539 to HB 5542) would amend a separate act that allows the capture of tax revenues through the creation of a tax increment finance authority. Generally, the bills would require the Legislature to appropriate and distribute funds to various TIFAs to make up for tax increment revenues from school taxes lost due to certain specified personal property tax exemptions recently added to the Revised School Code, the State Education Tax Act, and the General Property Tax Act. These recent amendments were related to the enactment of the new Michigan Business Tax, which goes into effect January 1, 2008. House Bill 5539 would amend the Brownfield Redevelopment Finance Act

- Bieda substitute H-1 was adopted
- Bieda 1A was adopted
- HB 5539 advanced to 3rd Reading
- HB 5539 was passed [RC 647: 107 yes, 0 no]
- IE was ordered

HB 5540

(Wenke)

House Bill 5540 would amend the Local Development Financing Act.

- Wenke substitute H-1 was adopted
- Meltzer 1A was adopted
- HB 5540 advanced to 3rd Reading
- HB 5540 was passed [RC 648: 106 yes, 0 no]
- IE was ordered

HB 5541

(Dean)

House Bill 5541 would amend the Tax Increment Finance Authority Act.

- Dean substitute H-1 was adopted
- Bieda 1A was adopted
- HB 5541 advanced to 3rd Reading
- HB 5541 was passed [RC 549: 106 yes, 0 no]
- IE was ordered

HB 5542**(Robert Jones)**

House Bill 5542 would amend the Downtown Development Authority Act (MCL 125.1663c).

- Robert Jones substitute H-1 was adopted
- Meltzer 1A was adopted
- HB 5542 advanced to 3rd Reading
- HB 5542 was passed [RC 650: 106 yes, 0 no]
- IE was ordered

HB 5375**(Melton)**

The bill would create a new act, the Michigan Promise Zone Act, to allow communities having areas of high poverty to create promise zone authorities whose purpose would be to ensure financial assistance for postsecondary education to high school graduates who both live and go to school within the zone's boundaries.

- Committee substitute H-2 was adopted
- Emmons-2 was not adopted [RC 651: 52 yes, 54 no]
- Hoogendyke-3 was not adopted [RC 652: 43 yes, 62 no]
- Hoogendyke-4 was not adopted [RC 653: 48 yes, 57 no]
- Opsommer-5 was not adopted [RC 654: 51 yes, 54 no]
- Melton substitute H-3 was adopted
- HB 5375 advanced to 3rd Reading
- HB 5375 was passed [RC 655: 71 yes, 34 no]
- IE was ordered [RC 656: 74 yes, 32 no]

SB 545**(Jansen)**

The bill would amend Part 31 (Water Resources Protection) of the Natural Resources and Environmental Protection Act to do the following:

- Provide that a storm water discharge permit would not be required for a municipality that did not own or operate a separate storm sewer system.
- Prohibit the Department of Environmental Quality from collecting storm water discharge fees from a municipality that did not own or operate a separate storm sewer system.

- SB 545 was discharged from committee
- SB 545 advanced to 3rd Reading
- SB 545 was passed [RC 657: 102 yes, 4 no]
- IE was ordered

SB 868

(Kuipers)

Senate Bills 868 (S-2) and 869 (S-1) would amend the Michigan Legislative Retirement System Act and the Judges Retirement Act, respectively, to establish graded health insurance premiums for certain officials elected or appointed on or after January 1, 2008. Under both bills, the State would pay 30% of the premium for a retiree who had completed four years of service, and an additional 6% for each completed year through 14 years of service. The portion of the premium paid by the State could not exceed 90%. Senate Bill 868 (S-2) would apply to members of the Legislature and the Lieutenant Governor.

- Committee substitute H-1 was adopted
- SB 868 advanced to 3rd Reading
- SB 868 was passed [RC 659: 103 yes, 2 no]
- IE was ordered

HB 5085

(Mayes)

The bill would amend Part 821 (Snowmobiles) of the Natural Resources and Environmental Protection Act, to require security interests listed on snowmobile registration applications to be printed on the registration certificates issued by the Secretary of State.

- Committee substitute H-2 was not adopted
- Caswell substitute H-3 was adopted
- Mayes 2A was adopted
- D. Acciavatti 2B withdrawn
- Hoogendyke 2C withdrawn
- Pavlov 2D withdrawn
- Meltzer 2E withdrawn
- HB 5085 advanced to 3rd Reading
- HB 5085 was passed [RC 661: 104 yes, 2 no]
- IE was ordered

MOTIONS AND RESOLUTIONS

HR 235

(Bieda)

A resolution to memorialize the Congress of the United States to enact the Temporary Tax Relief Act of 2007 to deal with the Alternative Minimum Tax.

- Committee substitute H-2 was not adopted
- Bieda substitute H-3 was adopted
- HR 235 was adopted

HR 239**(Mayes)**

A resolution to memorialize the Congress of the United States to reauthorize the Beaches Environmental Assessment and Coastal Health Act and to increase and distribute more equitably funding for beach water quality monitoring to Michigan and other states.

- HR 239 was adopted

SCR 22**(Bishop)**

A concurrent resolution to request the State Officers Compensation Commission to recommend a 5 percent reduction in salaries of the members of the Legislature, the Governor, the Lieutenant Governor, the Attorney General, the Secretary of State, and the Justices of the Supreme Court the next time the commission meets and to urge the commission to ensure that none of its future recommendations exceed the change in the Consumer Price Index or the average increase in state employee pay.

- Tobocman substitute adopted
- A. Smith/Meadows amendment 1A adopted
- The resolution was adopted [RC 658: 104 yes, 2 no]

SCR 24**(Cropsey)**

A concurrent resolution prescribing the legislative schedule.

- SCR 24 was adopted

HR 242**(Amos)**

A resolution designating December 16, 2007 as POW/MIA Recognition Day in the state of Michigan.

- HR 242 was adopted

HR 244**(Miller)**

A resolution to express support for the findings of the National Labor Relations Board regarding the unionization of workers at the Soaring Eagle Casino and Resort and to encourage a quick resolution of this issue.

- HR 244 was adopted

HCR 63**(Miller)**

A concurrent resolution to express support for the findings of the National Labor Relations Board regarding the unionization of workers at the Soaring Eagle Casino and Resort and to encourage a quick resolution of this issue.

- HCR 63 was adopted

##

Enrollment of [HB 4506](#) vacated
Senate requested the return of HB 4506

- Request granted